IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 14873 of 2005(U)

OS.3496/2002 of II ADDL.M.C.,THRISSUR

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PETITIONER:

KARTHIKEYAN, AGED 79,
S/O.PARATHATTIL KOCHU KRISHNAN,
PONALLUR DESOM, MANALUR VILLAGE,
THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

P.V.DAYASEELAN,
KARAMUKKU VILLAGE,
POST KANDASSAMKADAVU,
THRISSUR TALUK.

BY ADV. SRI.M.K.DILEEP KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR FINAL HEARING ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.14873 OF 2005

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DATED THIS THE 26TH JUNE, 2007

J U D G M E N T

Ext.P2 order entering findings on the preliminary issue regarding the valuation of the suit and sufficiency of the court fee is under challenge. The learned Munsiff under Ext.P2 found repelling a contention raised by the petitioner-1st defendant that the suit is properly valued. Even though stay of trial of the suit was sought, this Court was not inclined to grant the same. Obviously the Writ Petition has become infructuous and will stand disposed of in that manner. It will however be observed that confirmation of Ext.P2 by this Court will not stand in the way of the petitioner urging the grounds raised in this Writ Petition as grounds in the appeal, if the decree in the suit comes to be against the petitioner and it becomes necessary for him to prefer an appeal against the same.

(PIUS C.KURIAKOSE, JUDGE)

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